



Legislation Text

File #: 1969-2021, **Version:** 1

Council Variance Application: CV21-051

APPLICANT: Indigo Sun Wellness Studio; c/o David A. Ferris, Atty.; The Ferris Law Group LLC; P.O. Box 940; Worthington, OH 43085.

PROPOSED USE: Health and wellness studio.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel zoned in the R-2, Residential District, and is developed with a commercial building previously occupied with a day care center permitted by Council variance #CV98-041 approved on November 2, 1998 (Ordinance #2701-98). The requested Council variance will allow the building to be converted to a health and wellness studio. A variance is necessary because the R-2 district prohibits commercial uses. The request includes variances for a parking space reduction from seven spaces to five spaces, and to conform existing conditions related to landscaping and screening, building and parking setbacks, aisle width, maneuvering, and side yard requirements. The site is located within the boundaries of the *Clintonville Area Plan* (2009), which recommends single-unit residential land uses at this location. The Plan also states that new investment should ensure the long term economic viability of all neighborhoods and be compatible with the development pattern of the surrounding area. Staff supports the proposed commercial use noting that the commercial building has been long established in the neighborhood, and finds the parking variance supportable due to the site's proximity to public transit and availability of on-street parking. Additionally, Planning Division staff has reviewed landscaping improvement plans for the site, and finds that the site is sufficiently landscaped and screened to minimize the impact on adjacent residential uses.

To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; 3312.09, Aisle; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.07, Landscaping; 3332.21, Building lines; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **636 CHASE RD. (43214)**, to permit a health and wellness studio with reduced development standards in the R-2, Residential District, and to repeal Ordinance #2701-98, passed November 2, 1998 (Council Variance #CV21-051).

WHEREAS, by application #CV21-051, the owner of property at **636 CHASE RD. (43214)**, is requesting a Council Variance to permit a health and wellness studio with reduced development standards in the R-2, Residential District; and

WHEREAS, Section 3332.033 R-2, residential district, prohibits commercial uses in the R-2, Residential District, while the applicant proposes a health and wellness studio; and

WHEREAS, Section 3312.09, Aisle, requires aisle width and maneuvering to be 20 feet for 90 degree parking spaces, while the applicant proposes to maintain a reduced aisle width of 13 feet; and

WHEREAS, Section 3312.21, Landscaping and screening, requires headlight screening of a parking lot along a public street, and requires screening of a parking lot within 80 feet of residentially zoned property to be 4 feet in width and 5 feet

in height, while the applicant proposes to eliminate the landscaping requirement to maintain existing conditions along Chase Road, with headlight screening no greater than 2.5 feet in height being provided within the right-of-way of Indianola Avenue, subject to approval by the Department of Public Service; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to permit maneuvering for parking spaces into the right-of-way of Chase Road and Indianola Avenue; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 25 feet, while the applicant proposes to maintain a parking setback line of 9 feet along Chase Road and 0 feet along Indianola Avenue; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 250 square feet of studio space, for a total of 7 spaces, while the applicant proposes to provide a total of 5 spaces; and

WHEREAS, Section 3321.07, Landscaping, requires landscaping in the building setback area, while the applicant proposes the use of pavement within the building setback along Chase Road and Indianola Avenue; and

WHEREAS, Section 3332.21, Building lines, requires the building setback line to be 25 feet along Indianola Avenue, while the applicant proposes to maintain a building setback of 0 feet; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a requirement of 14.6 feet for a 73 foot wide lot, while the applicant proposes to maintain a maximum side yard of 9 feet, all provided along the west property line; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes to conform an existing side yard of 0 feet along the east property line; and

WHEREAS, the Clintonville Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed commercial use within the existing commercial building is consistent with the recommendations of the *Clintonville Area Plan*, and includes sufficient landscaping and buffering to minimize the impact on adjacent residential uses; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **636 CHASE RD. (43214)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance be granted from the provisions of Sections 3332.033, R-2 residential district; 3312.09, Aisle; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.07, Landscaping; 3332.21, Building lines; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **636**

CHASE RD. (43214), insofar as said sections prohibit a health and wellness studio in the R-2, Residential District; with reduced aisle width from 20 feet to 13 feet; no parking lot landscaping along Chase Road and reduced headlight screening provided in the right-of-way of Indianola Avenue, subject to the approval by the Department of Public Service; maneuvering into the right-of-way of Chase Road and Indianola Avenue; a reduced parking setback line from 25 feet to 9 feet along Chase Road and 0 feet along Indianola Avenue; a parking space reduction from 7 required spaces, to 5 provided spaces; no landscaping within the building setback areas along Chase Road and Indianola Avenue; reduced building line from 25 feet along Indianola Avenue to 0 feet; reduced maximum side yard from 14.6 feet to 9 feet; and a reduced minimum side yard from 5 feet to 0 feet along the east property line; said property being more particularly described as follows:

636 CHASE RD. (43214), being 0.21± acres located at the northwest corner of Chase Road and Indianola Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being Lot Number Five Hundred Ten (510); Lot Number Five Hundred Eleven (511) excepting a triangular section 6.74 feet on the North and 76.31 feet on the East line thereof; and a triangular section of Lot Number Five Hundred Twelve (512) being 5.02 feet on the South line and 57.07 feet on the West line thereof, in CHASELAND, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 84, Recorder's Office, Franklin County, Ohio.

For informational purposes only:

Commonly Known As: 636 Chase Road, Columbus, Ohio 43214

Tax Parcel ID: 010-109649-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a health and wellness studio, or those uses permitted the R-2, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. That Ordinance #2701-98, passed November 2, 1998, be and is hereby repealed.